



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 20, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Southern Education Counsel
c/o Brad Gelsky, Registered Agent
2011 E. Riverside Drive
Austin, TX 78741

RE: MUR 3774

Dear Mr. Gelsky:

On February 12, 1997, the Federal Election Commission sent you the enclosed letter and Subpoena and Order via certified mail. The attachment referred to in the Subpoena and Order was inadvertently omitted from the original mailing. That attachment is therefore enclosed together with copies of the February 12 letter and Subpoena and Order.

In view of the foregoing, the information requested in the Subpoena and Order is due within 30 days of your receipt of this letter. I apologize for any inconvenience.

Sincerely,

A handwritten signature in cursive script that reads "Dawn M. Odrowski".

Dawn M. Odrowski
Attorney

Enclosures

Copies of February 12, 1997 letter
and Subpoena and Order w/ attachments



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Southern Education Counsel
c/o Brad Gelsky, Registered Agent
2011 E. Riverside Drive
Austin, TX 78741

RE: MUR 3774

Dear Mr. Gelsky:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. The Commission has issued the attached Subpoena to Produce Documents and Order to Submit Written Answers which requires you to provide certain information in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this Subpoena and Order. However, you are required to submit the information within 30 days of your receipt of this Subpoena and Order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M Odrowski

Dawn M. Odrowski
Attorney

by Mary

Enclosure
Subpoena and Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3774
)

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Southern Education Counsel
c/o Brad Gelsky, Registered Agent
2011 E. Riverside Dr.
Austin, TX 78741

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

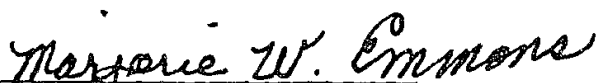
Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this 11th day of February 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachments

Interrogatories and Request for Documents

INSTRUCTIONS

In answering the enclosed interrogatories and the request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named organization in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses, the telephone numbers, the present occupation or position of such person, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

"Communication(s)" or "communicated" encompasses both oral and written communications, including phone calls, meetings, correspondence, notes or memos, and electronic mail messages.

INTERROGATORIES

1. Describe the type of business engaged in by Southern Education Council.
2. Identify the officers, directors and chief executive officers of Southern Education Council in November 1994.
3. Identify the current officers, directors and chief executive officers of Southern Education Council.
4. Identify the client(s) on whose behalf Southern Education Council made phone calls described in Attachment 1.
5. Identify all U.S. Senate candidates named in the phone calls made by Southern Education Council in 1994.
6. Identify all officers, directors, employees or consultants of Southern Education Council who have knowledge of the phone calls described in Attachment 1.
7. Identify the source of the list(s) used to make the phone calls described in Attachment 1.

PRODUCTION OF DOCUMENTS

1. Produce all documents that in any way relate or refer to the November 1994 phone calls made by Southern Education Counsel concerning certain U.S. Senate elections. Documents produced should include, but not be limited to, checks, purchase orders, invoices, contracts, telephone scripts used to make the phone calls, phone lists, correspondence, memos telephone messages, electronic mail messages any notes, correspondence, telephone messages or logs, electronic mail messages, or memoranda.

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LEVEL 1 - 3 OF 6 STORIES

Copyright 1994 Star Tribune

Star Tribune

<November> 7, 1994, Metro Edition

SECTION: News; Pg. 1B

LENGTH: 895 words

HEADLINE: Wynia, <Grams> pull out stops for final push;

Tight race fuels flurry of 11th-hour calls, mailings and door-knocking

BYLINE: Dennis J. McGrath; Staff Writer

BODY:

In Austin, Texas, a telemarketing firm was given a rush order late Friday afternoon: Drop the solicitations for charitable groups, supervisors at the Southern Education Council were told, and plunge into the U.S. <Senate> race in Minnesota.

Using a computer-driven phone system, the firm's employees have been making hundreds of calls each hour to Minnesota residents, telling them that Rod <Grams> opposes "abortion on demand."

The out-of-state, hired-hand phone-calling is just one example of a prodigious 11th-hour push on behalf of both U.S. <Senate> candidates to tip the balance in a race where pollsters cannot discern a clear front-runner.

The campaign is out of the hands of the candidates now. They'll go through the motions of making speeches in the final hours before the polls close Tuesday, but they've already done their bit.

Now it is up to the thousands of volunteers who are making phone calls, stuffing envelopes and distributing campaign literature. In the last five days of the campaign, political activists make at least 2 million phone calls to remind people to vote.

"We have an army of volunteers in every corner of this state that is completely mobilized," said Robert Richmond, chief organizer of the get-out-the-vote effort for DFLer Ann Wynia's U.S. <Senate> campaign.

The numbers are staggering. Richmond said that the Wynia campaign and the state DFL Party together will make at least 800,000 phone calls, mail more than 1.5 million pieces of literature and personally distribute an additional 300,000 pieces of literature. And that's not all. Since Friday, 200 DFL volunteers have been "doing visibilities" - campaign parlance for standing with campaign signs at busy intersections during rush hour or outside the Metrodome before the Vikings game. Volunteers also plan to knock on 70,000 doors in targeted precincts.

When Minneapolis and St. Paul residents leave for work on Election Day morning, there's a good chance they'll find a piece of literature from a DFL candidate hanging on their front doorknob, reminding them to vote.

Independent-Republicans are engaged in the same Herculean effort. They have mailed about 1.4 million pieces of literature, and plan to call more than 600,000 Republican or undecided households. IR congressional and state legislative candidates will distribute tens of thousands of additional pieces of literature.

"This represents perhaps our best effort in the last decade," said state IR Chair Chris Georgacas.

ATTACHMENT 1
Page 1 of 2

In addition to setting up phone banks for volunteers, both parties are using professional telemarketing to help spread their messages.

For the Republicans, the get-out-the-vote effort will cost about \$ 800,000, not counting the approximately \$ 2 million that < Grams' > campaign will spend.

In addition to the efforts of the campaigns and the political parties, other, independent groups also are trying to affect the outcome of the race with get-out-the-vote efforts. They include environmental groups, groups for and against abortion, labor unions, business groups and others.

That's what the phone calls from the telemarketing firm in Austin, Texas, appear to be.

Joshua Harris, a part-time employee of the telemarketing company, tipped off the Wynia campaign about the calls Saturday night, when he finished his four-hour shift. Harris is an activist and temporary paid staff member of the Democratic Party in the Austin area.

Harris said the telemarketing firm usually raises money for charities, but the script for each phone caller had been changed when he arrived at work Saturday. He found himself calling Minnesota, Michigan and Tennessee residents on behalf of Republican candidates who oppose abortion rights, he said.

The phone calling to those states apparently is random rather than to a targeted audience, because while half of the people who were called seemed interested, about half hung up midway through the pitch, Harris said.

"I called a lot of people who were tired of being called," he said.

The out-of-state phone calling may be perfectly legal, part of the "soft money" expenditures by independent groups (money raised and spent by them independent of the campaigns).

Georgacas, head of the Minnesota LR Party, said he wasn't aware of the phone effort opposing abortion, but said it might be financed by the National Right to Life Committee or the Christian Coalition.

"It doesn't surprise me that both prochoice and prolife groups are weighing in in the < Senate > race," he said.

Indeed, national abortion rights groups are spending "soft money" to help Wynia. The National Abortion and Reproductive Rights Action League political action committee recently mailed 15,000 pieces touting Wynia to suburban women who support abortion rights.

Labor unions also are helping her. The Service Employees International Union has called about 11,000 of its 21,000 members in Minnesota, most of them health-care workers, school employees and custodians. The calls were made to recruit volunteers and to determine which members supported Wynia.

Now, with the help of a professional telemarketing firm, the union is calling back the approximately 5,000 members who were identified as Wynia supporters or undecideds, urging them to vote.